

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ALFRED LAFORD, #574687,	)	
Plaintiff,	)	
	)	No. 2:22-cv-193
-v-	)	
	)	Honorable Paul L. Maloney
HEIDI WASHINGTON, <i>et al.</i> ,	)	
Defendant.	)	
_____	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff Laford, an inmate held by the Michigan Department of Corrections, filed this lawsuit. Four defendants filed a motion for summary judgment. They assert Plaintiff failed to properly exhaust his administrative remedies. The Magistrate Judge issued a report recommending the Court grant the motion (ECF No. 45). The Magistrate Judge also recommends the Court dismiss the other three defendants. Plaintiff has not served two of the three and Plaintiff has not identified the third. Plaintiff filed objections (ECF No. 49).

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

1. The Magistrate Judge concludes that Plaintiff failed to properly exhaust his administrative remedies. Plaintiff pursued a single grievance through all three steps. MDOC rejected the grievance because Plaintiff did not raise an issue specific to him but to the prison population as a whole. MDOC upheld the rejection at steps 2 and 3. The Magistrate Judge then identifies three reasons to grant the motion filed by the four defendants (Leach, Morgan, Negrinelli and Wright): (1) the grievance does not raise specific claim against the individuals and did not name those individuals, (2) the complaint raises claims based on events that occurred on dates other than the incident date stated on the grievance, and (3) the allegations and claims concerning working while sick and being denied medical care and treatment were included in the grievance.

Defendant objects. Defendant agrees that his grievance addressed system-wide policies and did not address individual misconduct or individual harm. Defendant contends that the grievance process was inadequate.

The Court overrules Defendant's objections. Defendant does not identify any error of fact or law in the report and recommendation. Defendant overlooks that the MDOC provides a means of addressing system-wide issues outside of the grievance process. *See* MDOC Policy Directive 04.01.150 (warden's forum). The grievance process provides a mechanism for addressing specific concerns with particular individuals. Plaintiff does not object to the second or third reasons provided by the Magistrate Judge for finding that Plaintiff failed to exhaust all of his causes of action.

2. The Magistrate Judge recommends dismissing Saatio and McGrath because Plaintiff has failed to serve them.

Plaintiff objects. The two individuals no longer work at the facility. Plaintiff blames the two defendants for failing to update their contact information. Defendant requests an extension of time to serve the two defendants.

The Court overrules Defendant's objection. Defendant has the burden of service of process. Defendant's situation adds barriers and obstacles to his ability to locate these two individuals. Nevertheless, the burden of service remains on him. Defendant did not file any motion for an extension of time or for alternate service and making a passing request in an objection does not properly present the matter to the Court.

3. The Magistrate Judge recommends the Court dismiss the unknown nurse defendant if Plaintiff cannot identify that person in his objection to the R&R. Defendant does not object to this recommendation. Defendant does not identify the nurse.

Accordingly, the Court **ADOPTS** the Report and Recommendation (ECF No. 45). The Court **GRANTS** Defendants' motion for summary judgment (ECF No. 34). And, the Court **DISMISSES WITHOUT PREJUDICE** Defendants Saatio, McGrath and any remaining unnamed or unknown defendants. **IT IS SO ORDERED.**

Date: September 16, 2024

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge